IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 3319 /2005

PETITIONER

Awadhram Goyal
aged about 45 years
S/o Shri D.R. Goyal,
R/o Police Line Tumgaon,
Distt. Mahasamund (C.G.)

P.R. No. 3437/05 Presented by Shri Arjun Prasad
dated 26/7/05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh,
Through Secretary,
Ministry of Home, Mantralaya
D.K.S. Bhawan, Raipur

2. Director General of Police
Raipur

3. Superintendent of Police
Mahasamund (C.G.)

4. Superintendent of Police
Dantewada (C.G.)

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CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.3319 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

05.08.2005

Shri Prag Kotecha, counsel for the petitioner.

Shri Bhaskar Pyashi, counsel for the State/respondents on advance copy.

Heard on admission.

By way of this writ petition filed under Article 226/227 of the Constitution of India, the petitioner has challenged the validity of his transfer order dated 10.06.2005 (Annexure-P/1) by which he has been transferred from Mahasamund to Dantewada.

Learned counsel for the petitioner submits that the aforesaid transfer is against the policy filed as S.O.P. No. 01 (Annexure-P/2). He submits that this policy indicates that normally the persons who are working as Constables and Head Constables will not be transferred by Head Quarters but they may be transferred in special circumstances. Learned counsel also submits that the petitioner is aged about 45 years and according to the policy of Government the person above the age of 40 years shall not be transferred in naxalite effected area. He submits that Dantewada is a naxalite

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

effected area, therefore, the transfer of the petitioner should be cancelled.

I have heard learned counsel for the petitioner at length and have also perused the records of the writ petition.

The S.O.P. No. 01, which has been filed as document Annexure-P/2, is a guideline for transfer of class-II and class-III employees working in the Police department. These guidelines have been prepared for the purpose of welfare of the employees and as far as possible these guidelines are to be followed so that the employee may live comfortably and rendered excellent service to the employer. These guidelines are not of binding effect either on the employer or on the employee so as to confer upon employee legally enforceable right. Order of transfer made without following the guidelines can not be interfered with by Court unless it is vitiated by mala fides or is made in violation of statutory provision. ***(See A.I.R. 1993 SC 2444, Union of India v. S.L. Abbas.)*** As such, the arguments advanced by the learned counsel for petitioner have no force and is accordingly rejected.

Moreover, it is submitted that the petitioner is working at Mahasamund since the year 1981 and he has been

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

transferred for the first time to District Dantewada on 10.06.2005.

The petition has no merits. I am not inclined to entertain the petition, the same is dismissed.

Consequently, M.W.P. No. 2834 of 2005 stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Vathi

12/8/05